

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
OCTOBER 5, 2004  
7:00 P.M.**

**ROLLCALL** Answering rollcall were Members Housh, Hovland, Masica and Mayor Maetzold.

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Hovland and seconded by Member Housh approving the Council Consent Agenda as presented with the exception of Agenda Item, Agenda Item V.D., 800 MHz In-Building Wiring - City Hall/Police Department VI.D., Reimbursement Resolution - Public Improvement.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

**FIRE PREVENTION WEEK PROCLAIMED - OCTOBER 3 - 9, 2004** Mayor Maetzold proclaimed October 3 - 9, 2004 as Fire Prevention Week in the City of Edina and encouraged residents to heed the advice of the Fire Prevention reminder, "It's Fire Prevention Week: Test your Smoke Alarms". He presented Tom Jenson, Fire Marshal with the Proclamation commemorating October 3 - 9 as Fire Prevention Week.

**\*MINUTES OF THE REGULAR MEETING OF SEPTEMBER 21, 2004, AND SPECIAL MEETING OF SEPTEMBER 21, 2004, APPROVED** Motion made by Member Hovland and seconded by Member Housh, approving the Minutes of the Regular Meeting of the Edina City Council for September 21, 2004, and Special Meeting of September 21, 2004.

Motion carried on rollcall vote - four ayes.

**BOY SCOUT TROOP 262 AND 123 INTRODUCED** Scoutmaster David Chin introduced and Mayor Maetzold welcomed Boy Scouts from Troop 262 and Troop 123 who were working on their Citizenship badges.

**RESOLUTION NO. 2004-90 APPROVING SPECIAL ASSESSMENTSS** Affidavits of Notice were presented, approved and ordered placed on file. Due notice having been given, public hearings were conducted and action taken as recorded on the following proposed special assessments.

**1. TREE REMOVAL IMPROVEMENT NO. TR-04**

Location: Various Properties within the City of Edina

Analysis for special assessments for Tree Removal Improvement No. TR-04 showed parcels assessed as follows for removal of diseased trees:

5636 Chowen Avenue South	\$1,978.95	Levy # 16061	3 year
5349 Whiting Avenue	\$2,399.63	Levy # 16061	3 year
6128 Ryan Avenue South	\$3,597.75	Levy # 16061	3 year
5133 Mirror Lakes Drive	\$2,266.50	Levy # 16061	3 year
4381 Mackey Avenue	\$1,063.05	Levy # 16061	3 year
5013 Bedford Avenue	\$ 402.75	Levy # 16061	3 year

Each special assessments includes a \$30.00 administrative fee.

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Director Keprios explained under City Code Section 1055, Control and Prevention of Shade Tree Diseases calls for removal of trees with Dutch elm or oak wilt disease. He said the City Forester identifies diseased tree and notifies homeowner by registered mail (with 21 days to comply). Homeowners have the option to remove and dispose of the diseased tree(s) on their own or have the City contract for the removal. The six properties previously listed chose to have the City remove their diseased trees in 2004.

Member Masica asked if the charges based upon the size of the tree. Mr. Keprios responded that the size was measured at breast height to ascertain the diameter. Ms. Masica asked if the \$30.00 covers the City's administrative costs. Mr. Keprios said the \$30.00 covers the expenses.

Member Hovland asked if the three-year special assessments period was customary. Mr. Keprios responded the term of the special assessments was based upon the amount of the special assessments.

No written or oral comments were heard.

### **Motion made by Member Housh and seconded by Member Hovland closing the hearing for Improvement No. TR-04.**

Ayes: Housh, Hovland, Masica, Maetzold  
Motion carried.

### **Motion made by Member Masica and seconded by Member Hovland approving the special Assessments for Improvement No. TR-04, as presented.**

Rollcall:  
Ayes: Housh, Hovland, Masica, Maetzold  
Motion carried.

## **2. AQUATIC WEEDS IMPROVEMENT NO. AQ-04**

Location: Arrowhead Lake, Indianhead Lake And  
Minnehaha Creek Millpond

### **ARROWHEAD LAKE**

Analysis of special assessments for Aquatic Weeds Improvement No. AQ-04 for Arrowhead Lake showed a total of \$16,123.98 to be assessed against 35 parcels at \$460.69 per parcel. One-year special assessments, payable in 2005.

Mr. Keprios explained the Arrowhead Lake homeowners association requested the City to provide weed management and water treatment services to be paid for by special assessments. The lake was treated for aquatic weeds and provided with aerators to further control aquatic weed growth and help oxygenate the water to avoid fish winterkill.

All proposed special assessments include a \$3.00 per home administrative fee.

No written or oral comments were heard.

### **Motion made by Member Hovland and seconded by Member Housh closing the public hearing for special assessments of Improvement No. AQ-04 for Arrowhead Lake.**

Ayes: Housh, Hovland, Masica, Maetzold  
Motion carried.

**Motion made by Member Housh and seconded by Member Masica approving special assessments for Improvement No. AQ-04 for Arrowhead Lake.**

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

#### INDIANHEAD LAKE

Analysis of special assessments for Aquatic Weeds Improvement No. AQ-04 for Indianhead Lake show special assessments of \$13,617.37 to be assessed against 33 parcels at \$412.65 per parcel. One-year special assessments, payable in 2005.

All proposed special assessments include a \$3.00 per home administrative fee.

The Indianhead Lake Homeowners Association requested the City to provide weed management and water treatment services to be paid for by special Assessments. The lake was treated for aquatic weeds and provided with aerators to further control aquatic weed growth and help oxygenate the water to avoid fish winterkill. Indianhead Lake was treated with blue dye to add color and retard algae growth.

Member Housh inquired whether a permit from the Department of Natural Resources was necessary for this weed treatment. Vince Cockriel, Park Superintendent indicated a permit was applied for each year.

Member Masica asked if the special assessments were based per unit. Mr. Mr. Keprios responded yes, they were unit based special assessment

**Motion made by Member Hovland and seconded by Member Housh closing the public hearing for special assessments of Improvement No. AQ-04 for Indianhead Lake.**

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

**Member Housh made a motion approving the special assessments for Aquatic Weeds, Improvement No. AQ-04 for Indianhead Lake.** Member Masica seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

#### MINNETONKA CREEK MILLPOND

Analysis of special assessments for Aquatic Weeds Improvement No. AQ-04 for Minnehaha Creek Millpond, showing special assessments of \$9,739.00 to be assessed against 63 parcels at \$154.59 per parcel. One-year special assessments, payable in 2005.

Proposed Special Assessment's include a \$3.00 per home administrative fee.

Mr. Keprios said the properties that abut the Minnehaha Millpond requested the City to mechanically remove aquatic vegetation in the Millpond.

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**Motion made by Member Hovland and seconded by Member Housh closing the public hearing for special assessments of Improvement No. AQ-04.**

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

No written or oral comments were heard.

**Motion made by Member Housh and seconded by Member Masica approving the special assessments of Improvement No. AQ-03 for Minnehaha Creek Millpond.**

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

**3. WEEDS IMPROVEMENT NO. WD-04**

Location: Various Properties Within The City Of Edina

Analysis for special assessments for Weed Mowing Improvement No. WD-04 showed parcels assessed as follows for Weed Mowing:

6004 Chapel Drive	\$180.00	Levy # 16062	1 year
6302 McIntyre Point	\$255.00	Levy # 16063	2 year
7020 Lanham Lane	\$217.50	Levy # 16063	2 year
5407 Abbott Place	\$330.00	Levy # 16063	2 year
5013 Bedford Avenue	\$255.00	Levy # 16063	2 year

Amounts include a \$30.00 administrative fee.

Mr. Keprios explained when weeds exceed ten inches in height; the property owner gets served notice. The owner then has 10 days to comply. If the owner does not comply, Park Maintenance staff cuts weeds and property gets assessed the cost at \$75.00 per hour. Park Maintenance staff has cut five properties in 2004.

Member Masica said she noticed one of the properties had both tree trimming and weed mowing. She asked if it was a vacant property. Mr. Cockriel said there might be an absentee landowner.

No written or public comments were heard.

**Motion made by Member Hovland and seconded by Member Housh closing the public hearing for WD-04 at various locations within the City.**

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

**Member Masica made a motion approving the special assessments of Improvement No. WD-04 at various locations within the City of Edina. Member Housh seconded the motion.**

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

**Member Masica introduced the following resolution and moved its approval:**

**RESOLUTION NO. 2004-90  
A RESOLUTION LEVYING SPECIAL ASSESSMENTSS  
FOR VARIOUS PUBLIC IMPROVEMENTS AND PROJECTS**

WHEREAS, pursuant to proper notice duly given as required by law, the Edina City Council has met and heard and passed upon all written and oral objections to the proposed special assessments for improvements listed below:

Tree Removal Improvement No. TR-04 - Various Properties within the City of Edina

Aquatic Weeds Improvement No. AQ-04 - Arrowhead and Indianhead Lakes and Minnehaha Creek Millpond

Weed Mowing Improvement No. WD-04 - Various Properties within the City of Edina

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, as follows:

1. Each special assessments as set forth in the special assessments rolls on file in the office of the City Clerk for each aforementioned improvement is hereby accepted and shall constitute the special assessments against the lands named therein, and each tract of land therein included is herein found to be benefited by the improvement in the amount of the special assessments levied against it.

2. The special assessments shall be payable in equal installments, the first of said installments together with interest at a rate of six and one-half percent (6 1/2%) per annum, on the entire special assessments from the date hereof to December 31, 2005. To each subsequent installment shall be added interest at the above rate for one year on all unpaid installments. The number of such annual installments shall be as follows:

<u>NAME OF IMPROVEMENT</u>	<u>NO. OF INSTALLMENTS</u>
Tree Removal Improvement No. TR-04, Levy No.16061	3 year
Aquatic Weeds Improvement No. AQ-04, Levy No. 16064	1 year
Weed Mowing Improvement No. WD-04, Levy No. 16062	1 year
Weeds Mowing Improvement No. WD-04, Levy No. 16063	2 year

3. The owner of any property so assessed may, at any time prior to certification of special assessments to the County Auditor, pay the whole of the special assessments on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged in the entire special assessments is paid within 30 days from the adoption of this resolution and they may, at any time thereafter, pay to the City Treasurer the entire amount of the special assessments remaining unpaid, with interest accrued to December 31, of the year in which such payment is made. Such payment must be made before November 15, or interest will be charged through December 31 of the succeeding year.

4. The clerk shall forthwith transmit a certified duplicate of this special assessments to the County Auditor to be extended on the property tax lists of the County. Such special assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted this 5<sup>th</sup> day of October, 2004. Member Hovland seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

\*HEARING DATE SET OF OCTOBER 19, 2004, FOR FINAL PLAT/FINAL REZONING - MARK JONES ADDITION (5125 WEST 49<sup>TH</sup> STREET) Motion made by Member Hovland and seconded by Member Housh setting October 19, 2004, for the following planning matter:

1. Final Plat and Final Rezoning - 5125 West 49<sup>th</sup> Street - Mark Jones Addition

Motion carried on rollcall vote - four ayes.

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**SUBDIVISION ORDINANCE REVIEW TASK FORCE APPOINTED** Manager Hughes indicated several individuals have agreed to participate in a review of subdivisions approved under our current ordinance. The review will be directed by our consultant and be a part of a future report to the Council. The interested individuals are:

Rod Hardy – Board of Appeals Member – develops sites throughout the country  
Mary Vasaly – Board of Appeals Member – attorney – interested in land use ordinances  
Meg Mannix – Former Board of Appeals Member – real estate investment advisor  
N. Craig Johnson – Retired real estate appraiser – valued Grandview Square  
Bob Johnson – Realtor Edina Realty – understands Edina residential market

Mr. Hughes said the review would be directed by a consultant who has begun the process. He solicited feedback of concerns with this slate of individuals and said he would place the slate on the next Council agenda for approval.

Member Housh inquired where funding for the consultant was located in the budget. Mr. Hughes said he believed there were funds in the planning budget to cover the charge for consulting services in 2004.

Member Masica asked who would be the consultant. Mr. Hughes said Ingram and Associates were the consultants and added the City has worked with them before in similar assignments. Ms. Masica inquired how the proposed members were identified. Mr. Hughes said a list was drawn up of persons in the community that had a background in the area. The list was gradually narrowed to the proposed residents. Planner Larsen spoke to each proposed member and received affirmative answers to their appointment to the Task Force.

**Member Housh made a motion approving the members of the Subdivision Review Task Force as presented.** Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold  
Motion carried.

**\*RESOLUTION NO. 2004-93 APPROVING - LOT DIVISION FOR 5201 BLAKE ROAD AND 6108 FOX MEADOW LANE** Motion made by Member Hovland and seconded by Member Housh approving the following lot division:

RESOLUTION NO. 2004-93  
APPROVING A LOT DIVISION FOR  
5201 BLAKE ROAD AND  
6108 FOX MEADOW LANE

WHEREAS, the following described tracts of land constitute various separate parcels:

LOT 1, BLOCK 1, AND OUTLOT A, WHITEMAN ADDITION, according to the recorded plat thereof, and situated in Hennepin County, Minnesota.

AND

LOT 3, BLOCK 1, WHITEMAN ADDITION, according to the recorded plat thereof, and situated in Hennepin County, Minnesota.

WHEREAS, the owners of the above described land desire to subdivide and combine said tracts into the following described new and separate parcels (herein called "parcels") described as follows:

**PARCEL A:**

LOT 1, BLOCK 1, AND OUTLOT A, WHITEMAN ADDITION, and that part of the west 10.00 feet of Lot 3, Block 1, WHITEMAN ADDITION, lying north of the easterly extension of the

south line of Lot 1, Block 1, WHITEMAN ADDITION, according to the recorded plat thereof and situated in Hennepin County, Minnesota.

**PARCEL B:**

LOT 3, BLOCK 1, WHITEMAN ADDITION, except that part of the east 10.00 feet of Lot 3, Block 1, WHITEMAN ADDITION, lying north of the easterly extension of the south line of Lot 1, block 1, WHITEMAN ADDITION, according to the recorded plat thereof and situated in Hennepin County, Minnesota.

WHEREAS, the requested subdivision is authorized under Code Section 810 and it has been determined that compliance with the Subdivision and Zoning Regulations of the City of Edina will create an unnecessary hardship and said newly created Parcels as separate tracts of land do not interfere with the Subdivision and Zoning Regulations as contained in the Edina City Code Sections 810 and 850;

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Edina that the conveyance and ownership of the above described tracts of land (PARCEL A and PARCEL B) as separate tracts of land are hereby approved and the requirements and provisions of Code Sections 850 and 810 are hereby waived to allow said division and conveyance thereof as separate tracts of land but only to the extent permitted under Code Sections 810 and 850 subject to the limitations set out in Code Section 850 and Ordinances are now waived for any other purpose or as to any other provisions thereof, and further subject, however, to the provision that no further subdivision be made of said Parcels unless made in compliance with the pertinent Ordinances of the City of Edina.

**Adopted this 5<sup>th</sup> day of October 2004.**

Motion carried on rollcall vote – four ayes.

**FIRST READING GRANTED - ORDINANCE NO. 2004-13 - ENACTING A NEW SECTION OF THE CITY CODE ESTABLISHING A SPECIAL EVENTS CODE** Chief Siitari explained the City hosts a variety of special events that impacts both public and private property. These special events sometimes result in City expenditures for privately sponsored events. The Police Department has served as the coordinator for these events, however, there has been no written policy or ordinance outlining an application or approval process. Mr. Siitari stated the proposed ordinance would address this concern as well as the operational issues and costs related to special events.

Mr. Siitari indicated the events that occur on an annual basis include: Race for the Cure, Edina Art Fair, Edina High School Homecoming Parade, 4<sup>th</sup> of July Parade and Fireworks, IronKids Triathlon, Masters 15K Race, Ovarian Cancer 5K Race and the Fall Into the Arts Festival. He noted the Walker Cup and Solheim Cup have also been held in Edina.

The size and scope of a few special events has increased dramatically over the past decade, e.g. Race for the Cure and the Edina Art Fair. Due to the increase size these events have generated more complaints due to traffic and street closures. Mr. Siitari suggested one area for discussion would be the role of the City Council in approving special events. The proposed ordinance delegates the issuance or denial of a permit to the City Manager. The Council may or may not want to take a more active role in the process for larger events.

Member Hovland concurred with the set up of a systematic process for control of special events in the City. However, he questioned if Section 225.02 Definitions of 'Special Event' was broad enough. Mr. Siitari explained a lot of thought had gone into the definition as presented. Attorney Gilligan stated he too had reviewed the definition. Member Hovland suggested some language refining in Section 225.05 'Required Undertakings'. Mr. Gilligan responded he believed the language to be adequate with the minor changes.

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Member Masica questioned Section 225.01 B, lessen undue impact on private property. Mr. Siitari responded that advanced notification of an event, and traffic control that was set up in advance. Ms. Masica asked what type of losses the City might incur. Mr. Siitari said losses could include the manpower costs for traffic control and the placing of barricades by the public works department. Ms. Masica asked if the two-hour window for clean up after the event was adequate. Mr. Siitari said common sense needs to be exhibited. Ms. Masica inquired about language limiting notification to a race. Mr. Siitari noted that a race affects more residents with roads being barricaded, etc.

Member Housh said the reason for the ordinance would be to indemnify the City for their costs and establish legal rights.

**Member Housh made a motion granting First Reading to Ordinance No. 2004-13 - Enacting a New Section of the Edina City Code Establishing a Special Events Code with modifications.** Member Hovland seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

**\*AWARD OF BID - PARKING LOT CONSTRUCTION - LEWIS PARK** Motion made by Member Hovland and seconded by Member Housh approving the parking lot construction for Lewis Park to recommended low bidder, Midwest Asphalt Corporation, at \$29,750.00.

Motion carried on rollcall vote - four ayes.

**\*AWARD OF BID - WEST 70<sup>TH</sup> STREET SIDEWALK PROJECT: CONTRACT NO. 04-8 (ENGINEERING) IMPROVEMENT NO. S-074** Motion made by Member Hovland and seconded by Member Housh approving Contract No. 04-8, West 70<sup>th</sup> Street sidewalk project, Improvement No. S-074, to recommended low bidder, Bituminous Roadways, Inc., at \$157,369.00.

Motion carried on rollcall vote - four ayes.

**\*AWARD OF BID - ENGINEERING SOFTWARE UPGRADE** Motion made by Member Hovland and seconded by Member Hovland and seconded by Member Housh approving the Engineering software upgrade to recommended sole bidder, DLT Solutions, Inc., under Government Contract No. GS-35F-4543G, at \$16,401.85.

Motion carried on rollcall vote - four ayes.

**BID AWARDED FOR 800 MHZ IN-BUILDING WIRING FOR CITY HALL/POLICE DEPARTMENT** Member Hovland asked the bid award for the 800 MHz in-building wiring for City Hall/Police Department be taken off the consent agenda for further information. Chief Siitari indicated the 800 MHz Public Safety Radio system does not adequately penetrate the new City Hall and Police Department due to the heavy construction materials. A booster system with auxiliary antenna and boosters will provide adequate coverage to the buildings. The City Hall/PD was one of several buildings identified for the booster system at the outset of the 800 MHz project. Funds for this are covered in the Capital Improvement Plan.

**Member Hovland made a motion approving the 800 MHz Radio In-Building Booster System to recommended sole bidder, Andrew Midwest under Hennepin County Cooperative Purchasing Contract - Project #SS-04-021 at \$33,487.50.** Member Masica seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.



\*RESOLUTION NO. 2004-94 APPOINTING STUDENT JUDGES FOR GENERAL ELECTION NOVEMBER 2, 2004 Member Hovland introduced the following resolution seconded by Member Housh:

RESOLUTION NO. 2004-94  
APPOINTING ELECTION JUDGES  
FOR THE NOVEMBER 2, 2004,  
GENERAL ELECTION

WHEREAS, Minnesota Election Law 204B.21 requires that persons serving as election judges be appointed by the Council at least 25 days before the election.

BE IT RESOLVED by the Edina City council that the individuals named on Exhibit A, and on file in the office of the City Clerk be appointed as election judges for the general election to be conducted on November 2, 2004; and

BE IT FURTHER RESOLVED that the City Clerk is with this, authorized to make any substitutions or additions as deemed necessary.

Passed and adopted by the Edina City Council this 5<sup>th</sup> day of October, 2004.

Motion carried on rollcall vote – four ayes.

\*RESOLUTION NO. 2004-89, SETTING HEARING DATE (NOVEMBER 1, 2004) FOR SOUND WALL IMPROVMENTS SA-7, 10 AND 11 Member Hovland introduced the following resolution seconded by Member Housh and moved its adoption:

RESOLUTION NO. 2004-89  
SETTING PUBLIC HEARING DATE OF  
NOVEMBER 1, 2004 FOR SPECIAL ASSESSMENTSS

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EDINA, MINNESOTA:

1. A public hearing shall be held on the 1st day of November 2004, in the Council Chambers at City Hall at 7:00 P.M. to pass upon the proposed special Assessments for Sound Wall Improvement SA-7, 10 and 11.  
All persons owning property affected by such improvements at such time and place will be given an opportunity to be heard with reference to such special assessments.
2. The City Clerk is hereby directed to cause a notice of hearing on the proposed special assessments to be published in the Edina Sun-Current at least two weeks before the hearing and shall in the notice state the total cost of the improvements. The Clerk shall also cause mailed notice to be given to the owner of each parcel described in the special assessments rolls not less than two weeks before the hearings.

Adopted this 5<sup>th</sup> day of October 2004.

Motion carried on rollcall vote – four ayes.

\*APPOINTMENT MADE TO CITIZENS ADVISORY COMMITTEE FOR MINNEHAHA CREEK WATERSHED DISTRICT Motion made by Member Hovland and seconded by Member Housh approving the appointment of Jeffrey W. Ryan of 4805 Sunnyside Road, to the Public Advisory Committee of the Minnehaha Creek Watershed District (MCWD) Management Plan Visioning Partnership.

Motion carried on rollcall vote – four ayes.

RESOLUTION NO. 2004-88 RELATING TO MAKING DECLARATION AS TO REIMBURSE EXPENDITURES FOR PROCEEDS OF BONDS FOR PUBLIC IMPROVEMENT Member Masica asked that Resolution No. 2004-88 be removed from the Consent Agenda for further information. She inquired if the City had failed to make declaration for reimbursement in the past. Mr. Gilligan responded that there were projects ongoing that were included in the resolution. He believes it was a

better practice to delegate to an officer the ability to make the designation and there would be less chance of missing something to be included in a resolution. Ms. Masica reiterated this delegation was for ease of administration. Mr. Gilligan concurred.

Member Masica introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2004-88**

**RESOLUTION DELEGATING FINANCE DIRECTOR TO MAKE OFFICIAL INTENT  
DECLARATIONS FOR PURPOSES OF REIMBURSEMENT REGULATIONS**

**BE IT RESOLVED** by the City Council of the City of Edina, Minnesota (the "City") as follows:

**1. Recitals.**

(a) The Internal Revenue Service has issued Section 1.150-2 of the Income Tax Regulations (the "Regulations") dealing with the issuance of obligations, all or a portion of the proceeds of which are to be used to reimburse the City for project expenditures or expenditures for purchases of capital equipment made by the City prior to the date of issuance.

(b) The Regulations generally require that the City make a prior declaration of its official intent to reimburse itself for such prior expenditures out of the proceeds of a subsequently issued borrowing no later than 60 days after payment of such expenditure, that the borrowing occur and the reimbursement allocation be made from the proceeds of such borrowing within eighteen months of the payment of the expenditure or, if longer, within eighteen months of the date the project is placed in service, but in no event more than three years after the date the original expenditure was paid and that the expenditure must either be a capital expenditure, or a cost of issuance of the obligation.

(c) The City desires to establish certain procedures with respect to compliance with the Regulations.

**2. Official Intent Declaration; Delegation; Procedures.**

(a) The Regulations, in the situations in which they apply, require the City to have declared its official intent (the "Official Intent Declaration" or the "Declaration") to reimburse itself for previously paid project or equipment expenditures out of the proceeds of subsequently issued debt. This Council hereby authorizes the Finance Director of the City to make the City's Official Intent Declarations.

(b) The following procedures shall be observed by the Finance Director in making Official Intent Declarations:

(i) Each Declaration shall made by the Finance Director substantially in the form of Exhibit A attached hereto, which is hereby incorporated herein and made a part of this Resolution.

(ii) The Finance Director shall maintain a file in his or her office in which all Declarations shall be kept.

(c) The Finance Director shall endeavor not to make Declarations in cases where the City will not ultimately be issuing indebtedness to provide long-term financing for project costs, and the Finance Director is hereby authorized and directed to consult with the City's bond counsel concerning the requirements of the Regulations in general and their application in particular circumstances.

(d) The Council shall be advised from time to time as to the Declarations made and on the desirability and timing of the issuance of indebtedness relating to project expenditures for which Declarations have been filed, including recommendations on the timing of the issuance of such indebtedness so that the "reimbursement period" requirement described in the Regulations can be met.

Adopted this 5<sup>th</sup> day of October, 2004.

EXHIBIT A

Declaration of Official Intent

The undersigned, being the duly appointed and acting Finance Director of the City of Edina, Minnesota (the "City"), pursuant to and for purposes of compliance with Treasury Regulations, Section 1.150-2 (the "Regulations"), promulgated under the Internal Revenue Code of 1986, as amended, hereby states and certifies as follows:

1. The undersigned has been and is on the date hereof duly authorized by the Edina City Council to make and execute this Declaration of Official Intent (the "Declaration") for and on behalf of the City.

2. The City proposes to undertake certain projects or has or will purchase certain items of equipment, which projects and equipment and the estimated costs thereof are generally described on Schedule I hereto, which is hereby incorporated herein and made a part hereof.

3. The City reasonably expects to reimburse the expenditures made for costs of the projects or equipment described on Schedule I hereto out of the proceeds of debt in an estimated maximum aggregate principal amount of \$\_\_\_\_\_ (the "Bonds") after the date of payment of all or a portion of the costs of the projects or equipment. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

4. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the projects or equipment described on Schedule I hereto, other than pursuant to the issuance of the Bonds. The statement of intent contained in this Declaration, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

Dated: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Finance Director

SCHEDULE I

Description of Projects  
or Equipment<sup>(1)</sup>

Estimated Cost<sup>(2)</sup>

\_\_\_\_\_  
<sup>(1)</sup> Include general functional description of character or type of Project or equipment, which may include any property, project or program. Examples contained in the Regulations are "highway capital improvement program," "hospital equipment acquisition" and "school building renovation." Alternatively, the City may designate particular funds or accounts as the project description if the functional purpose to be reimbursed is set forth. Example contained in the Regulations is, "parks and recreation fund—recreational facility capital improvement program."

<sup>(2)</sup>Include construction or acquisition costs and engineering, architectural, legal, fiscal and other costs. Member Housh seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

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**\*CHANGE ORDER FOR EDINA SENIOR CENTER KITCHEN RENOVATION APPROVED**  
Motion made by Member Hovland and seconded by Member Housh approving the change order for the Edina Senior Center Kitchen Renovation to Shaw Lundquist for \$7,221.00.

Motion carried on rollcall vote – four ayes.

**\*CONFIRMATION OF CLAIMS PAID** Member Hovland made a motion and Member Housh seconded the motion approving payment of the following claims as shown in detail on the Check Register dated September 23, 2004, and consisting of 25 pages: General Fund \$219,497.79; Communications Fund \$8,818.90; Working Capital Fund \$173,679.98; Construction Fund \$369,927.74; Art Center Fund \$5,192.39; Aquatic Center Fund \$173.95; Golf Course Fund \$11,176.86; Ice Arena Fund \$1,750.12; Edinborough/Centennial Lakes Fund \$1,232.68; Liquor Fund \$137,107.62; Utility Fund \$652,965.94; Storm Sewer Fund \$90,170.47; PSTF Fund \$1,015.29; TOTAL \$1,672,709.73; and for approval of payment of claims dated September 29, 2004, and consisting of 53 pages: General Fund \$405,388.45; CDBG Fund \$4,900.00; Communications Fund \$609.48; Working Capital Fund \$21,134.37; Art Center Fund \$16,051.78; Aquatic Center Fund \$11,230.06; Golf Course Fund \$9,421.60; Ice Arena Fund \$122.60; Edinborough/Centennial Lakes Fund \$31,000.36; Liquor Fund \$146,200.83 Utility Fund \$13,122.03; Storm Sewer Fund \$2,791.56; PSTF Fund \$912.11 TOTAL \$662,885.23.

Motion carried on rollcall vote – four ayes.

**\*PETITION RECEIVED REQUESTING SIDEWALK BETWEEN 4382 AND 4374 VERNON AVENUE** Motion made by Member Hovland and seconded by Member Housh acknowledging receipt of a petition circulated by Tara and Doug Londak at 4368 Vernon Avenue requesting a sidewalk along Vernon Avenue from 4382 to 4374 and referring the petition to the Engineering Department for processing as to feasibility.

Motion carried on rollcall vote – four ayes.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 8:15 P.M.

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City Clerk